



# **PROCEDURES AND GUIDELINES FOR LAND DEVELOPMENT APPLICATIONS IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995**

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## 1. Who may apply

- 1.1 Any owner of land and/or the owner's authorized agent or a person to whom land has been made available by the State or a Local Government body in terms of a land availability agreement to the Designated Officer in terms of Section 31 or 49 of the Development Facilitation Act, 1995.

## 2. Where and when to apply

NORTH WEST AREA OF TSHWANE	TEL/FAX	ADDRESS	GAUTENG AREA OF TSHWANE	TEL/FAX	ADDRESS
N.P. Claassen Private Bag X1213 Potchefstroom 2520	Tel (018) 297 5011 Fax (018) 297 7956 Cell 082 8056 870	Paul Ramosa Riekert Building C/of Von Wielligh and Gerrit Maritz Avenue Dassierand Potchefstroom	Designated Officer Room 330 Munitoria  P O Box 3242 Pretoria	Tel (012) 358 7793 Fax (012) 358 8082	Room 330 Munitoria c/oPrinsloo and Vermeulen Street, Pretoria

The office of the Designated Officer will be open for pre-submission discussions and filing of documents from 08:00 to 12:30 pm and from 14:00 to 16:00 every day other than a Saturday, Sunday or Public Holidays, however, appointment should be arranged.

## 3. Pre-submission discussion

- 3.1 It is recommended that any land development applicant must have a pre-submission discussion with the Designated Officer before formally submitting an application. During this discussion the Designated Officer will inform the applicant about necessary preparation and procedures associated with an application.

## 4. How to apply

- 4.1 The applicant must lodge with the Designated Officer a written land development application in the form of Annexure B of the Regulations (**See Annexure 1**).
- 4.2 An application with the relevant documents submitted to the Designated Officer must be filed with the Designated Officer either by:
- \* Handing it personally to the Designated Officer; or
  - \* Sending it by registered post.

The original documents must be sent to the Designated Officer. In the case of filing by telefax the original documents must be submitted to the Designated Officer within seven days of faxing.

## **5. Information to be contained in the application**

### **5.1 Applicability of the Development Facilitation Act, 1995 (DFA)**

As part of the executive summary, the following should be provided by the applicant:

- \* A statement in the executive summary indicating that the specifics of the proposed Land Development Application requires that the DFA be utilized as a procedural route;
- \* demonstrate that the application is consistent with the principles inherent in the legislation; and
- \* that the Land Development Application complies with the priority to be afforded to DFA applications;

In a situation where the Designated Officer has advised the applicant that alternative legislation procedures should be used for the approval of the application (e.g. Planning and Development Legislation, Ordinance) and the applicant has insisted on using the DFA, this shall be stated on the Designated Officer's report.

### **5.2 Identification of the applicant**

- \* A clear statement identifying the applicant must be provided so that the Designated Officer and tribunal members are in no doubt.
- \* In a situation where a third party (a multi disciplinary team) is representing the interests of a community based organization, State Department, provincial administration, a regional council, metropolitan council, a transitional council or private developer, these relationships must be stated.
- \* Reference must be made to copies of appropriate letters of appointment or powers of attorney, which must be contained in the main body of the report.

### **5.3 Type of application**

The applicant must indicate in terms of a statement, what the nature of the Land Development Application is e.g.: -

- \* An application for a land development area in terms of Section 31 or 49;
- \* A joint application for a land development area and a registration arrangement in terms of Sections 31 and 49;
- \* An application for a land registration arrangement in terms of Section 61;
- \* An application for Conditions of Establishment to be imposed in terms of Section 34;
- \* An application for the amendment of a land development application in terms of Sections 35 and 52;

- \* An application for exemption from provision of the act in terms of Section 30 or 48;
- \* An application for the investigation of a non-statutory land development in terms of Section 42 or 57;
- \* An application relating to a procedural or interim matter in terms of Sections 22, 24, 17, 2(7), 5(5) or 7.

#### **5.4 Background**

- \* This Section must contain a short overview of the background to the Land Development Application.
- \* The applicant will need to state if the application or one of a similar nature has been considered in terms of any other legislation and has either changed procedural routes or what the outcome of the previous application has been.
- \* In a situation of refusal in terms of a previous procedural route, the applicant would need to provide the reasons for the refusal.
- \* Applicants are also referred to Section 67 of the DFA, which contains the rules for changing other applications to DFA applications and the period for resubmitting a refused DFA application.
- \* Aspects to be included in this section would be the need and desirability of the proposed development and its relationship if any, to other initiatives e.g. the Provincial Housing Subsidy, provincial and national policy.

#### **5.5 Proposed development**

- \* A brief description of the proposed development should be provided here.
- \* Specific attention should be paid to the substantive nature of the proposed development e.g. an upgrading project, an integrated development on a Greenfield site, development as the result of strategic economic or other considerations.
- \* The applicant will be required to show whether the Land Development Application falls within the auspices of an Integrated Development Plan (IDP), Town-planning Scheme or other plan. Where such a plan is applicable, the applicant will outline the relationship between the proposed development, the principles of the DFA and any land development objectives (LDO' s), town planning controls, zoning and land uses. Where a former town planning scheme or other plan is being converted into an IDP this needs to be stated. The relationship between the planning context and the land use controls being utilized needs to be made clear.
- \* In a situation where an area with minimal controls is being incorporated into a formalized town-planning scheme area via an upgrading application, the applicant will need to state that the conditions of establishment and land use controls proposed for the development are compatible with the existing scheme or plan. If they are not, then the applicant must indicate that adequate motivation has been provided in the main application, which would require that, the tribunal addresses the special circumstances of the proposed application and exempts it from the existing land use controls.

## 5.6 Land/Legal Matters

- \* A brief cadastral description would need to be provided.
- \* The applicant must indicate if he/she is the owner of the land or is acting in an agency capacity on behalf of the owner. Appropriate letters of appointment to act on behalf of the owner must be attached to the application. A similar requirement would bind a community development trust bringing an application on behalf of landowners or occupants of the land under the auspices of an application made subsequent to a restitution claim.
- \* Copies of the relevant title deeds and diagrams must be submitted with the main application.
- \* Copies of any mortgage agreements and financial restraints such as bonds must be submitted. Only a brief synopsis of main points needs to be included in the executive summary. Requests for any removal or inclusions of existing restrictive conditions of title or servitudes must be addressed.
- \* The vesting of mineral rights and a copy of the letter from the Regional Office of the Department of Mineral and Energy Affairs indicating their knowledge of the proposed Land Development Application are required.
- \* Existing land rights must be outlined.
- \* Tenure issues need to be detailed by the applicant and the method of transfer to the end user will have to be addressed. The applicant must indicate what type of tenure is being provided to the end user and whether a registration arrangement is being sought as part of the application. Part of this section will deal with submission of the Land Availability Agreement by the applicant and its appropriateness. In a situation where the land is state owned and not encumbered, and is to be used by the Land Development Application as part of an upgrading process, these matters must to be outlined briefly in this Section.
- \* A fundamental issue, which the applicant must have addressed, is the status of the land with respect to potential land claims in terms of the Restitution of Land Rights, Act 22 of 1994 or the non applicability of the Act to the land under consideration. The importance of this cannot be overstated since this is the only statute that the development tribunal may not exempt an Land Development Application from in terms of their powers. In the main document a letter from the Regional Land Commissioner (Department of Land Affairs) certifying that the land is not the subject of a claim must be provided by the applicant.

## 5.7 Community Participation

- \* The applicant will be required to demonstrate in addition to having followed the notification procedures that adequate attention has been paid to the issue of community participation. This aspect is particularly important where the proposed Land Development Application could have a great impact on a surrounding community.

- \* In the case where the applicant is representing a community development trust or community based organization the applicant must indicate the nature and legal status of the organization. Where a municipality is representing his own constituents in a Land Development Application, they would have to demonstrate that appropriate community participation has been part of the process of development and that the public interest of the wider community affected by the proposed Land Development Application have been addressed. Where land is being developed for an urban or rural community group or part of a “tribe”, evidence of a social compact between the developer and the end user group must be shown.

### **5.8 Environmental Considerations (Regulation 27)**

- \* The DFA explicitly promotes an integrated approach to land development, which includes the presentation and conservation of natural bio-diversity and the environment. The applicant must demonstrate that he/she has addressed the interrelationship between the built and natural environments.
- \* In addition a brief analysis of the site from a physiographic perspective must be included under this section. An applicant would also need to show that the Land Development Application has appropriately considered the relationship of environmental laws and regulations (the Environmental Conservation Act No 73 of 1989 and Regulations R1182) in relation to the proposed development.
- \* The need to protect and move indigenous trees on site or a programmed of replacing exotic species with indigenous and natural plants is an example to be included as part of smaller applications. Where the site is regarded as sensitive and the proposed development more likely to have an impact, an overview of the findings of Environmental Impact Report must be included as part of the summary. Detailed documentation e.g. a plan depicting the area of study for the Environmental Impact Assessment and the copy of the Environmental Impact Assessment must be provided in the main report together with a letter from the Department of Environmental Affairs stating that the requirements of Regulation R1182 have been complied with.

### **5.9 Geotechnical issues (Regulation 26)**

- \* The applicant must indicate that a suitably qualified person has undertaken the necessary geotechnical analysis of the proposed site and has provided a detailed report and certificate.
- \* The actual geotechnical report and a copy of the certificate must be included as part of the main report and must be referred to for purposes of clarity.
- \* A plan indicating areas of instability must be included. Where special landscaping or contouring of the land is required to stabilize it, reference must be made briefly to this matter.
- \* The affect of the Geotechnical findings on the proposed Land Development Application must be stated clearly and briefly.

### **5.10 Services Agreements**

- \* The applicant must demonstrate and provide evidence that the required services agreements have been signed with the relevant local government body or servicing agency responsible for the provision of services to the Land Development Application.
- \* Copies of such agreements must be included as annexure to the main report. It must be stated in the summary that such agreements have been approved and signed.

### **5.11 Institutional responsibility**

- \* The applicant must indicate which tier of government will be responsible for the administration, service provision and maintenance of the proposed Land Development Application.
- \* If the nature of the development is such that it is to be administered by national departments as well as second or third tier government (e.g. some land reform areas) this institutional complexity needs to be spelt out by the applicant.

### **5.12 Application for exemption from other legislation**

- \* The applicant must indicate that he/she has requested consideration and motivated adequately for the exclusion of the provisions of various statutes applicable to the proposed Land Development Application. Reference is made to Chapters V and VI of the Act which requires that the applicant indicate the need for the exemption from legislation dealing with the regulation of settlement, land development, township establishment, zoning and land use, national building regulations and sub-division of land if this is required. The applicant must indicate whether such a request for exemption has been made, list the statutes or regulations and refer to the detailed section in the main application, which deals with the matter in more detail.

### **5.13 Other considerations**

- \* The applicant must address any other issues that he/she believes is relevant for the consideration of the Land Development Application but are not covered under other headings.
- \* Included may be the particular architectural merit and design of a Land Development Application, the conservation of building facades in terms of the National Monuments Act or other relevant information related to the substantive and procedural aspects of the application.

### **5.14 Principles that must be contained in the Land Development Application motivations**

- \* Land Development Application should indicate or demonstrate that the proposed development adheres to the development principles as enshrined in Chapter 1 of the DFA.



## 6. Advertisement procedure

- 6.1 The applicant must no later than 65 days prior to the date of the pre-hearing conference give notice of the land development application and the dates of the pre-hearing and the tribunal hearing, substantially in the form of Annexure C of the Regulations **(See Annexure 2)** to:
- \* Any owner or lessee of land adjoining the proposed land development area;
  - \* every holder of limited real rights or mineral rights of the land forming the subject of the application;
  - \* every relevant local government body;
  - \* every other interested party as directed by the Designated Officer which may include:
    - National Government Departments;
    - bodies to provide engineering services; and
    - residents of the proposed land development area, communities or person who may have an interest in the land or persons likely to settle on the land.
- 6.2 The applicant must serve the notice to the persons or body referred to in Regulation 21, Sub-regulation 6(a) to (c) and (d)(i), (ii) and (iii).
- The applicant must ensure that notice of the application to the persons referred to in Regulation 21, Sub-regulation 6(d)(iv) is adequately communicated, for example by means of distribution of leaflets or public announcement in the area.
- 6.3 The applicant must in the form of Annexure D of the Regulation **(See Annexure 3)** display on a prominent and easily accessible position on the land forming the subject matter of the application a notice (placard) for a period of at least 14 consecutive days. The notice must at least be A2 size and covered in plastic.
- 6.4 The applicant must publish once a week for two consecutive weeks in the Provincial Gazette and daily newspaper circulating in or near the land development area.
- It must be in the form of Annexure D of the Regulations (Annexure 3).
- The notice must be published in English and at least one other official language.
- If there is no daily newspaper in circulation in or near the land development area, the notice shall be published in a weekly newspaper circulating in or near the land development area.
- 6.5 The applicant must no later than the last day upon which representation can be made or objections lodged, lodge with the Designated Officer proof that the provisions of Regulation 21, Sub-regulations (8), (9), (10) and (11) have been complied with.

<b>7. Additional information regarding the procedure</b>
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<b>DAYS</b>	<b>ACTION</b>	<b>REGULATION NR</b>
	Applicant lodges application with Designation Officer	21(1)
1	Designated Officer requests pre-hearing and hearing dates from the Tribunal Registrar	21(4)
2	Tribunal Registrar provides pre-hearing and hearing dates, minimum 80 days and maximum 120 days from date of submission	21(5)
7	Designated Officer:  * Acknowledges receipt of application * Informs applicant of any additional information required; * Advise applicant regarding the persons or bodies to be given notice of the application; and * Informs applicant of pre-hearing and hearing dates	21(3)(a) 21(3)(b) 21(3)(c)
14 (65 days prior to hearing date)	The applicant gives notice of the application:  * To interested parties; * In Afrikaans and English newspaper; * In Government Gazette; and * On the application property	12(6) 21(10) 21(10) 21(8)(c)
21	Applicant lodges proof that the provision of Sub-regulations 21(8), (9), (10) and (11) have been complied with (Sworn affidavit).	21(12)
21	Objector or interested party lodge objections or representations with the Designated Officer	21(13)
7	Designated Officer submits a copy of every objection or representation to applicant	12(17)
14	Applicant submits a written reply to objections or representations	21(19)
14	Designated Officer submits a report to Tribunal Registrar regarding the application	21(20)
1 (7 days prior to hearing date)	<b>PRE-HEARING CONFERENCE</b>  The applicant and every person who intends appearing at the Tribunal hearing must attend the pre-hearing	21(24)
	<b>TRIBUNAL HEARING</b>  The Tribunal considers the application	21(38)
7	Registrar informs the Designated Officer of the decision of the Tribunal	21(40)
3	Designated officer informs parties of the decision of the Tribunal	21(41)
7	Any party may request written reasons for the decision	21(42)
	<b>PROCEDURES AFTER APPLICATION WAS APPROVED BY TRIBUNAL</b>	
5 months	Applicant lodges general plan, diagrams and records with Surveyor-General. If the applicant fails to comply, the application will lapse	23(1)
60	Applicant complies with request from Surveyor-General (if any). If the applicant fails to comply, the application will lapse.	23(4)
2 months after approval of general plan	Applicant submits certified copies of approved general plan with the Designated Officer and the municipality, as well as with the Registrar of Deeds. If the applicant fails to comply, the application will lapse.	23(10)

DAYS	ACTION	REGULATION NR
14	<b>APPEALS</b> Any person who wishes to appeal must give notice to the Registrar and every interested party who were a party to the Tribunal proceedings.	33(1)

**ANNEXURE 1**

**IN THE DEVELOPMENT TRIBUNAL FOR** [insert name of Province, etc.]

Reference number: .....

**IN THE APPLICATION OF:** .....  
[name of the applicant]

in respect of the land known as: .....  
[state description of property]

**APPLICATION FOR ESTABLISHMENT OF A LAND DEVELOPMENT AREA**  
[Application in term of Regulation 21 of the Development Facilitation Regulations]

.....

**PART I: ACKNOWLEDGEMENT OF RECEIPT**

[applicant to insert his or her name and address where he or she will receive service of all documents and notices]

To : .....  
.....  
.....  
.....

I hereby acknowledge receipt of the original and two copies of Parts II and III of this form, together with the documents referred to below [applicant to insert description of documents], and I hereby allocate reference number ..... to this application.

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....
- 6. ....
- 7. ....
- 8. ....
- 9. ....
- 10. ....

.....  
Designated Officer

.....  
Date of receipt

**PART II: APPLICATION**

To: The Designated Officer  
[insert address of Designated Officer]

.....  
.....  
.....  
.....

Applicant's Name : .....

Applicant's Address : .....  
.....

Applicant's Facsimile No : .....

Contact Person : .....

**APPLICATION FOR ESTABLISHMENT OF A LAND DEVELOPMENT AREA ON:**

.....

I/We, the applicant described above, being:

- \* The owner of the land;  
OR
- \* the duly authorised agent or contractor of the owner of the land;  
OR
- \* a person acting with the consent of the owner of the land;  
OR
- \* a person to whom the land has been made available in terms of a land availability agreement;  
OR
- \* A person acting on behalf of the owner of the land in any other capacity;  
OR
- \* a person directed by the Tribunal as contemplated in section 30(2) or 48(2) of the Act, as the case may be

hereby apply for the approval of a land development area on the land described herein and submit the particulars that appear hereafter.

If applicable, the applicant may include an application for the approval of a registration arrangement in this application. In this case the applicant should attach to this application an application substantially in the form of Annexure G to the Regulation.

Date : .....

Place : .....

Signature of Applicant

---

\* Delete whichever is not applicable.

**1. DOCUMENTS FORMING PART OF THE APPLICATION**

(1) The following Documents are filed with the Designated Officer in support of the application:

(a) A layout/settlement plan of the proposed land development area; 

YES	NO
-----	----

(b) A memorandum in support of the application, setting out all relevant facts and circumstances – and specifically including a report on:

\* whether the application should be prioritised on the basis that delays are likely to adversely affect the ability of intended beneficiaries to afford sites or housing units or are likely to affect a substantial number of persons or persons with particularly pressing needs; 

YES	NO
-----	----

\* the manner in which communities and/or persons affected by the land development and persons who may settle on such land, will participate and be consulted or have participated and been consulted, and the outcome of such consultation, in the process of the establishment of a land development area; 

YES	NO
-----	----

\* a scoping report of the impact of the development on the environment as set out in regulation 31; 

YES	NO
-----	----

\* any laws and restrictive conditions the applicant will ask the Tribunal to suspend and the steps taken by the applicant, if any, in terms of any other applicable law for the removal of such a condition or the obtaining of any exemption from such law; 

YES	NO
-----	----

\* the extent to which the development complies with the principles set out in Chapter 1 of the Act; 

YES	NO
-----	----

\* the extent to which, if applicable, the development complies with the land development objectives (Chapter IV of the Act) applicable in the area; 

YES	NO
-----	----

(c) A copy of the Title Deed(s) and diagram(s) to the land; 

YES	NO
-----	----

(d) A copy of every Deed of Servitude relating the land (only if not covered by certificate in terms of subparagraph (o)); 

YES	NO
-----	----

(e) A copy of every mortgage bond(s) relating to the land together with the bondholder’s consent, if applicable (only if not covered by certificate in terms of subparagraph (o)); 

YES	NO
-----	----

(f) A copy of every certificate of mineral rights and cession thereof, together with the mineral rights holder’s consent, if applicable (only if not covered by certificate in terms of subparagraph (o)); 

YES	NO
-----	----

- (g) The owner’s consent and/or power(s) of attorney, if applicable; 

YES	NO
-----	----
- (h) A copy of the land availability agreement, if any; 

YES	NO
-----	----
- (i) A copy of the services agreement, if already concluded; 

YES	NO
-----	----
- (j) A social compact agreement, if applicable; 

YES	NO
-----	----
- (k) Documentation regarding the provision of community facilities and the responsibilities of public authorities in this regard; 

YES	NO
-----	----
- (l) If the applicant is a company, close corporation or other legal entity other than a natural person, a copy of a valid authorising resolution; 

YES	NO
-----	----
- (m) A flooding certificate indicating whether the land is or is not subject to a 1 in 50 year flood; 

YES	NO
-----	----
- (n) An initial geo-technical report as set out in Regulation 30; 

YES	NO
-----	----
- (o) A certificate from a conveyance indicating who the registered owner of the land is, the conditions of title of servitude(s) recorded in the Title Deed(s) that affect the proposed land development, as well as the mortgage bonds registered against the property; 

YES	NO
-----	----
- (p) Application for a registration arrangement substantially in the form of Annexure G, if applicable; 

YES	NO
-----	----
- (2) If any of the documents referred to in 1(1) are considered not to be applicable, reasons must be given (lengthy explanations can be attached as Annexures).  
.....  
.....  
.....
- (3) Other documents attached (the application may be supported by such other documents as appropriate).  
.....  
.....  
.....

**2. SPECIFIC INFORMATION REGARDING PROPOSED LAND DEVELOPMENT AREA**

- (1) Name of proposed land development area:  
.....

(2) The Deed description of every portion of the land on which the proposed land development area is to be established:

(a) Title Deed No: .....

(b) Title Deed No: .....

(c) Title Deed No: .....

(3) Full name(s) of registered owner(s) of the land:

.....

(4) The land is/is not\* mortgaged and particulars of the relevant mortgage bonds are as follows:

(a) Property : .....

(i) Bond No: ..... in favour of .....

(ii) Bond No: ..... in favour of .....

(iii) Bond No: ..... in favour of .....

(b) Property : .....

(i) Bond No: ..... in favour of .....

(ii) Bond No: ..... in favour of .....

(iii) Bond No: ..... in favour of .....

(5) Mineral rights have/have not\* been severed from the ownership of the land and are held by:

..... under Certificate No .....

..... under Certificate No .....

..... under Certificate No .....

(6) A lease of the rights to minerals has/has not been granted/the particulars of which are as follows:

.....

.....

.....

(7) A prospecting contract has/has not\* been entered into, the particulars of which are as follows:

.....

.....



- (8) The proposed land development area:
  - (a) Is situated within the local government body area of .....
  - (b) adjoins the following local government body areas:  
.....

- (9) The proposed land development area falls within the area of the .....  
Town-planning Scheme.

- (10) Proposed land-use(s)(the following are examples only) in a land development area excluding small-scale farming in terms of Chapter V of the Act and total number of erven for each use (if applicable). A layout plan indicating the uses assigned to portions or percentages of land may be attached if land is not to be subdivided.

**Note: If the Interim land-Use Conditions set out in Annexure J to the Development Facilitation Regulations will be used, the following categories should be changed to correspond to Annexure J. Similarly, if an existing zoning scheme is to be extended also to apply to the land development area, the following categories must be amended to correspond to the categories in the zoning scheme:**

Erven No's (on Layout Plan) ..... Total No .....

Residential : .....

Business : .....

Industrial : .....

Community facility: .....

Municipal : .....

Undetermined : .....

Public Open Space: .....

Other : .....

- (11) Proposed land-use(s)(the following are examples only) in a land development excluding small-scale farming in terms of Chapter VI of the Act and total number of erven for each use (if applicable). A layout plan indicating the uses assigned to portions or percentages of land may be attached if land is not to be subdivided:

Erven No's (on Layout Plan) ..... Total No .....

Residential : .....

Arable : .....

Grazing : .....

Community facility: .....

Local Government: .....

Undetermined : .....

Public Open Space: .....

Conservation areas: .....

Burial grounds: .....

Other : .....

(12) The land on which the land development area will be established \*has been made available to the land development applicant by:

.....

and the conditions on which the land has been made available are contained in a land availability agreement, a copy of which is attached to this application/has been lodged with the Designated Officer for approval on (state the date)\*;

OR

\*will be developed by the land development applicant on behalf of

.....

[insert full name of owner] by virtue of a power of attorney, a copy of which is attached to this application;

OR

\*will be developed by the land development applicant on the land of

.....

[insert full name of owner] in the land development applicant's own name by virtue of a consent granted by the above-mentioned owner, a copy of which is attached to this application;

---

\* Delete whichever is not applicable

**PART III: CONDITIONS OF ESTABLISHMENT**

The Tribunal will use this part of the application as the basis for imposing the conditions of establishment in terms of Section 33(2) or 51(2) of the Act.

**3. PROPOSED CONDITIONS OF ESTABLISHMENT FOR THE LAND DEVELOPMENT AREA**

(The conditions stated below are guidelines only and the land development applicant may suggest amended and/or different conditions in appropriate cases.)

(1) Provision and installation of services

The land development applicant and the relevant local government body shall provide and install the services in the land development area, as provided for in the attached services agreement in terms of Section 40 of the Act and Regulation 19 of the Development Facilitation Regulations.

(2) Open space endowment

The land development applicant shall pay/contribute ..... in lieu of providing public open spaces.

(3) Provision of streets, parks and other open spaces

The land development applicant shall provide the following even and/or portions of land to be used as streets, parks or other open spaces:

.....  
.....

(4) Suspension of existing conditions of title

The following conditions of title and servitudes are suspended in respect of the land development area, upon notice of this condition being given in the Provincial Gazette, or if a later date is stated in such notice, from such later date (the land development applicant must in a separate memorandum list, the conditions which it is sought to suspend and steps taken by the applicant in terms of any applicable law for the suspension of such conditions):

.....  
.....

(5) Imposition of servitudes

The following servitudes are to be registered in respect of the land on which a land development area is to be established:

.....

(6) Building standards (if any)

.....  
.....

The following building standards will apply in respect of the development:

OR

Although the following building standards will not apply, the land development applicant is still required to submit and have approved building plans in respect of the proposed buildings in accordance with the alternative standards set out below:

.....  
.....

(7) Application of zoning scheme or other measures

The following zoning scheme or other measure for regulating land-use will apply in the land development area (the land development applicant may propose amendments to the above zoning scheme or other measure for application in the land development area):

OR

The land-use conditions set out in Annexure L to the Regulations will apply (the land development applicant may propose amendments to the above prescribed land-use conditions for application in the land development area):

.....  
.....

Until the zoning scheme for ..... (state existing scheme name) has been extended to apply to the land development area, whereupon Annexure L shall cease to apply.

(8) Applicability of certain laws

The operation of the following laws dealing with land development shall be suspended in respect of the land development. (The land development applicant must in a separate memorandum substantiate the reasons why suspension is sought in respect of the laws and describe any steps, including steps aimed at obtaining any consent or approval, already taken by it in terms of these laws):

- (a) Sections 9A and 11 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No 21 of 1940);

(b) the following laws on physical planning:

.....  
.....

(c) Section 49 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No 7 of 1998);

(d) the following law requiring the approval of an authority for the subdivision of land:

.....  
.....

(e) the following law requiring the provision of a receipt, certificate or any other document by a local government body, public revenue office or other competent authority, as a prerequisite to the transfer of land in a land development area:

.....  
.....

(f) the following law relating to land development which has a dilatory effect on the development of the land development area:

.....  
.....

(9) Provision of educational and other community facilities

The land development applicant shall set aside/provide the following erven or portions of land as educational and/or community facilities:

.....  
.....

(10) Subdivision (if applicable)

Where the land in the proposed land development areas is not to be subdivided, the following provisions of the Act shall not apply:

.....  
.....

(11) Ownership and administration (if applicable)

The land in the land development area is to be held by the following persons or other legal body subject to the following conditions: (if appropriate a copy of the trust deed or other founding documents may be attached):

.....

(12) Environmental conservation

The land development applicant will undertake to do the following in terms of Regulation 31 of the Development Facilitation Regulations:

.....

.....

(13) Consolidation of component portions

The land development applicant shall in the event of the area shown on the layout plan or settlement plan approved as part of the relevant land development application comprising more than one piece of land, show that all such pieces of land are owned by one person or body or all such owners have granted a power of attorney in favour of the same person or body, including one of such owners, authorising the latter to transfer initial ownership on their behalf;

.....

.....

.....

(14) General

.....

.....

.....

## ANNEXURE 2

### FORM OF NOTICE TO BE GIVEN TO PERSONS OR BODIES

[Regulation 21(6) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 1995]

#### NOTICE TO:

.....  
(name of individual person working for organisation)

.....  
(name of organisation)

.....  
(full address where notice is to be served)

### NOTICE OF LAND DEVELOPMENT AREA APPLICATION

.....  
(provide name and address of the land development applicant) has lodged an application for a land development area in terms of the Development Facilitation Act, 1995.

The application is for the development of the following land:

.....  
(state description of property)

and will consist of the following:

(insert brief description of the proposed development, including proposed land-uses, the target community, and the number and density of proposed residential units, if any)

The application will be considered at a Tribunal hearing to be held at:

..... on ..... at .....  
and the pre-hearing conference will be held at:

..... on ..... at .....

Please note that in terms of the Development facilitation Act, 1995:

1. You must within 21 days from the date of this notice, provide the Designated Officer with written representations in support of the application, or any other written representations you wish to make not amounting to an objection, in which case you are not required to attend the Tribunal hearing;

OR

2. If your comments constitute an objection to any aspect of the land development application, you or your representative must appear in person before the Tribunal on the date mentioned above, or on any other date of which you may be given notice.

In terms of the Development Facilitation Act 1995, this notice has the effect of a subpoena and failure to comply with this notice constitutes a criminal offence.

Any written objection or representation must state the name and address of the person or body making the objection or representation, the interest that such person or body has in the matter, and the reasons for the objection or representation, and must be delivered to the Designated Officer at his or her address set out below within the said period of 21 days.

The relevant plan(s), document(s) and information area available for inspection at .....  
..... for a period of 21 days from ..... (insert date of first  
publication of this notice in the newspaper).

If you have any queries, contact the Designated Officer at the following address, telephone and fax no:

.....  
.....  
.....



**FORM OF NOTICE TO BE PUBLISHED IN NEWSPAPER**

[Regulation 21(10) of the development facilitation Regulations in terms of the Development facilitation Act, 1995]

(Name of land development applicant) has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on .....  
(state description of property)

The development will consist of the following:

.....  
(insert the brief description of the proposed development)

The relevant plan(s), document(s) and information area available for inspection at .....  
..... for a period of 21 days from ..... (insert date of first publication of this notice in the newspaper).

The application will be considered at a Tribunal hearing to be held at:

..... on ..... at .....

and the pre-hearing conference will be held at:

..... on ..... at .....

Any person having an interest in the application should please note:

1. You may within 21 days from the date of this notice, provide the Designated Officer with written objections or representations;

OR
2. If your comments constitute an objection to any aspect of the land development application, you must appear in person before the Tribunal on the date mentioned above.

Any written objection or representation must be delivered to the Designated Officer at:

.....

and you may contact the Designated Officer if you have any queries on telephone no

..... and fax no .....